

DOCKET NO.: IBIS0002-100 (DIBIS-0003US)

PATENT**REMARKS**

Claims 51-68 are pending in the present application. Claims 51, 52, 55, and 58 have been amended herein, support for which can be found throughout the specification. No new matter has been added. Upon entry of the present amendment, claims 51-68 will remain pending.

The amendments to claims 52, 55, and 58 simply reflect corrections of typographical errors. In addition, the title has been amended herein to more accurately reflect that which is now claimed.

As a preliminary matter, Applicants understand that all rejections and/or objections not reiterated from previous office actions have been withdrawn.

Applicants thank the Examiner for the courtesy of an interview on July 13, 2004 at which the following response was discussed.

I. The Claimed Invention Is Supported by Ample Written Description

Claims 51-68 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully request reconsideration in view of amended claim 51.

The Office Action asserts that the generic "amplification product" citation in line 6 of claim 51 lacks sufficient written description support and is, thus, new matter. In particular, the Office Action asserts that the generic amplification product citation, when most broadly interpreted, includes amplification products produced by processes that do not involve primers, such as cloning procedures. The Office Action concludes that there is no written description support in the specification for non-primer generated amplification products. Although Applicants disagree with the interpretation set forth in the Office Action, solely to advance prosecution of the present application, claim 51 has been amended to recite "primer pair generated amplification product." The entire specification, including the as-filed claims, is replete with examples of generating amplification products using primer pairs. In addition, claim 51 has

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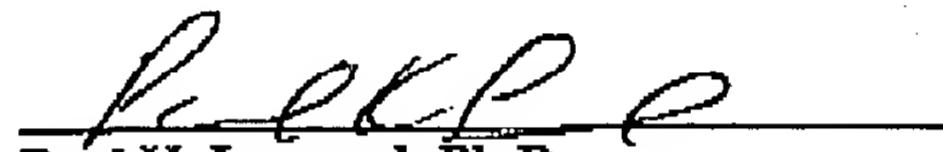
been amended to recite that the primer pair hybridizes to the conserved regions. Thus, claim 51 is supported by ample written description in the specification.

In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, as allegedly failing to provide sufficient written description be withdrawn.

II. Conclusion

Applicants submit that the pending claims are in condition for allowance. Applicants respectfully request that the Examiner contact Applicants' undersigned representative if such allowance is not forthcoming.

Respectfully submitted,


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